

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 Jamie Allen Bircumshaw,

5 Petitioner

6 v.

7 Attorney General of the State of Nevada, et
8 al.,

9 Respondents

Case No.: 2:19-cv-00551-JAD-NJK

Order Dismissing Petition

10 Petitioner Jamie Allen Bircumshaw filed this pro se petition for writ of habeas corpus
11 under 28 U.S.C. § 2254 to challenge events that occurred in 2017–2018 in his state-court
12 criminal prosecutions.¹ Because Bircumshaw failed to submit an application to proceed in forma
13 pauperis or pay the filing fee, his case has been improperly commenced, and I dismiss it on that
14 basis.²

15 It does not appear from the papers that a without-prejudice dismissal will materially
16 affect a later analysis of any timeliness issue with regard to a new, timely filed action. Petitioner
17 at all times remains responsible for calculating applicable federal limitation periods and for
18 properly commencing a timely filed federal habeas action.

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23 ¹ ECF No. 1-1.

² 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

1 If petitioner files a new action, he should specify which judgment or judgments of
2 conviction he seeks to challenge. He also must name the state officer in whose custody he is as a
3 respondent.³

4 IT IS THEREFORE ORDERED that the Clerk is directed to DETACH AND FILE the
5 petition [ECF No. 1-1].

6 IT IS FURTHER ORDERED that **this case is DISMISSED** without prejudice.

7 IT IS FURTHER ORDERED that **a certificate of appealability is DENIED** because
8 jurists of reason would not find the court's dismissal of this improperly commenced action
9 without prejudice to be debatable or incorrect.

10 The Clerk of Court is directed to ENTER JUDGMENT accordingly and close this case.

11 Dated: April 17, 2019

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13 U.S. District Judge Jennifer A. Dorsey
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³ Habeas Rule 2(a).